

ORDINANCE No. 1877

AN ORDINANCE AMENDING CHAPTER 3 ZONING OF THE CODE OF ORDINANCES BY REVISING ARTICLE I. IN GENERAL SEC. 3-2 DEFINITIONS BY ADDING A DEFINITION OF DRIVE-THROUGH FACILITIES, AND BY REPEALING DRIVE-IN TERMINOLOGY FROM THE SCHEDULE OF PERMITTED USES OF SEC. 3-8 USE OF LAND AND BUILDINGS OF ARTICLE II. LAND USE, AND BY REVISING ARTICLE X. SPECIAL REGULATIONS SEC. 3-87 SPECIAL USE PERMITS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS that Sec. 3-2 Definitions of Article I. IN GENERAL of Chapter 3 ZONING, of the Code of Ordinances be amended by adopting the definition of Drive-through facilities as follows:

"Drive-through facility shall mean a business facility wherein accommodations are constructed so that neither party to a business transaction must exit the business building or the vehicle of the customer in order to conduct the business transaction. This definition does not apply to a curbside transaction whereby a customer remains in or on a vehicle and a representative of a business comes to the vehicle to conduct a business transaction."

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS that the schedule of permitted uses of Article II. Land Use of Chapter 3 ZONING, of the Code of Ordinances be amended as follows:

Use Type:	SF-A	SF-B	2F-C	MF-D	P	O-1	B-1	B-2	B-3
<i>Primary Residential Uses</i>									
One-family dwelling (detached)	•	•	•	•		•	•	•	•
One-family dwelling (attached)			•	•		•	•	•	•
Two-family dwelling			•	•		•	•	•	•
Modular or manufactured housing									
Multiple-family dwelling (1 or 2 story)				•		•	•	•	•
Multiple-family dwelling (over 2½ stories)				S		S	S	S	S
<i>Special Uses</i>									
Church or rectory	•	•	•	•		•	•	•	•
College, university or accredited private school	S	S	S	S		•	•	•	•

Shop or office for maintenance service							S	•	•
Signs, advertising commodities sold on premises							•	•	•
Stock broker						•	•	•	•
Studio, drama, speech, music or dance							•	•	•
Studio, display art and decorators objects							•	•	•
Studio, radio or television							•	•	•
Studio, photographer or artist							•	•	•
Theater, not of drive-in type							•	•	•
Title company						•	•	•	•

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS that Sec. 3-87. Specific use permits of Article X SPECIAL REGULATIONS of Chapter 3 ZONING, of the Code of Ordinances be amended as follows:

“Sec. 3-87. Specific use permits

The City Council of the City of Alamo Heights, Texas, after public hearing with proper notice to all parties affected, and after recommendation from the city planning and zoning commission, may authorize for specific areas, the issuance of specific use permits for the following types of uses in only those districts specified for such use as follows:

- (1) Multiple-family dwelling over two and one-half (2½) stories in height in the MF-D District.
- (2) College, university or accredited private school in any residential district.
- (3) Day nursery or kindergarten school in the 2F-C, MF-D, B Districts.
- (4) Hospital in the 2F-C, MF-D, B Districts.
- (5) Institutions of a religious or Philanthropic Nature in the 2F-C, MF-D, B Districts.
- (6) Service center municipal in the 2F-C, MF-D, B Districts.
- (7) Electrical substation in the SF-A, SF-B, 2F-C, MF-D and P Districts.
- (8) Local transit station or off-street turn-around in any residential district.
- (9) Radio, television or microwave tower in any district.

- (10) Water reservoir, well or water pumping station in the SF-A, SF-B, or 2F-C Districts.
- (11) Municipal offices or City Hall in the SF-A, SF-B, 2F-C or MF-D Districts.
- (12) Off-street parking for property owned by institutions of a religious or philanthropic nature in SF-A, SF-B, 2F-C or MF-D Districts.
- (13) Single-family detached homes in multiple-family dwelling (MF-D) districts which do not otherwise satisfy the requirements of this zoning code and section 17-27 of chapter 17 of the Code of Ordinances. Each of such projects shall be considered on its individual merits, with special attention to be given to the following features, among others which may be deemed important by the planning and zoning commission and the city council, of proposed project: (a) location and design of ingress and egress to public streets; (b) interior traffic circulation patterns; (c) off-street parking; (d) sidewalks; (e) drainage; (f) lighting; (g) landscaping; (h) fencing and other screening; (i) emergency vehicle access; (j) lighting; (k) landscaping; (l) fencing and other screening; (m) emergency vehicle access; (n) density; (o) lot sizes; (p) setbacks; and (q) compatibility with the surrounding neighborhood.
- (14) Office in MF-D not facing and having its main entrance on Broadway or the Austin Highway, provided such office (1) is compatible and harmonious with the surrounding neighborhood, (2) is to be located in a preexisting structure which contains no more than one thousand five hundred (1,500) square feet of enclosed area, (3) the property upon which the structure is located is contiguous to a property zoned B-1, B-2 or B-3, (4) some portion of the property across the street from the subject property must be zoned B-1, B-2 or B-3 if the property across the street from the subject property is in Alamo Heights, (5) the office is for a use authorized in the schedule of permitted uses for offices in section 3-8 of this Zoning Code, (6) the structure and property comply with the parking, landscape, setback and other requirements of the Zoning Code applicable to O-1, and (7) the specific use permit requested promotes the health, safety and general welfare of the residents of the city.
- (15) Wireless communication systems antenna support structures and antennas in the P, O-1, B-1, B-2 and B-3 Districts only.
- (a) *Definitions.* A monopole antenna support structure is a self-supporting pole type structure with no guy wire support which holds one (1) or more antennas and related equipment for wireless telecommunications transmission. A lattice antenna support structure is a metal lattice structure with or without guy wire support. An independent support structure means buildings or other structures such as water towers. An unmanned equipment building is an accessory building housing electronic communication equipment as an associated and permitted part of a wireless communication system.

(b) *Antenna locations.* Wireless communication system antennas may be attached to monopole antenna structures or independent support structures. Lattice antenna support structures may not be used to support wireless communication system antennas in the city. Monopole antenna support structures and wireless communication antennas must be constructed more than one hundred (100) feet from the nearest right-of-way boundary line of Broadway or Austin Highway and more than one hundred twenty (120) feet from any residential zoning district.

(c) *Height limitations.* A monopole antenna support structure may not exceed one hundred (100) feet in height.

(d) *Visual impact of antenna support structures and wireless communication antennas.* Antennas and their support structures shall be screened, camouflaged and visually pleasing to the fullest extent feasible, consistent with both national industry standards and Alamo Heights aesthetic goals.

(e) *Unmanned equipment buildings.* An unmanned equipment building shall not have more than seven hundred fifty (750) square feet of gross floor area and shall not be more than twelve (12) feet in height.

(f) *Landscaping.* Compliance with the landscape requirements of this code is required for antenna support structures and antennas.

(g) *Certification of compliance.* Prior to installation of antenna support structures or antennas, the city must be furnished certification by a structural or civil engineer registered by the State of Texas certifying that the proposed installation complies with the structural requirements of the City of Alamo Heights Building Code and with federal and state electromagnetic radiation standards and other requirements.

(h) *Attachment to water towers.* The city council may authorize the attachment of wireless communication antennas to city water towers without special use permits and without compliance with the other requirements of this Code.

(16) A permitted apartment building or hotel may be erected to a height exceeding the height limitations set out in this chapter upon issuance of a specific use permit for such apartment building or hotel.

(17) Permitted institutions such as schools and churches may be erected to a height exceeding the height limitations set out in this chapter in the SF-A, SF-B, 2F-C, MF-D, O-1 and P Districts. Permitted institutions shall mean the institutions categorized as special uses in the table of land uses in section 3-8 of the Zoning Code.

(18) Drive-through facilities as reflected in the permitted uses table in section 3-8 of the zoning code.

The following procedure applies to the approval of specific use permits:

- (1) The city planning and zoning commission in considering and determining its recommendation, or the city council in considering any request for a specific use permit, may require from the applicant, plans, information, operating data and expert evaluation concerning the location, function and characteristics of any building or use proposed. The city council may, in the interest of the public welfare and to assure compliance with this ordinance establish special conditions of operation, location, arrangement and construction of any use for which a specific use permit is authorized.
- (2) In authorizing the location of any of the uses listed as specific use permits, the city council may impose such development standards and safeguards as the conditions and location indicate [are] important to the welfare and protection of adjacent property and the community.
- (3) Every specific use permit approved under the provisions of this ordinance shall be considered as an amendment to the ordinance as applicable to the property involved. The process of giving notice and holding public hearings on specific use permits shall be the same as that provided for amending the ordinance.
- (4) Such conditions, safeguards and standards specified by the city council for compliance relative to any specific use permit shall not be construed as conditions precedent to the approval of the zoning amendment but shall be construed as conditions precedent to the granting of a building permit. “

This ordinance shall take effect five (5) days after its publication.

PASSED AND APPROVED this 23rd day of August, 2010.




MAYOR

ATTEST:



CITY SECRETARY

APPROVED AS TO FORM:



CITY ATTORNEY